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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1652
Attn: Mail Stop Post Issue

Re: U.S. Utility Patent No. 6,783,965; Issued: August 31, 2004
For: **Aggregate-Free Urate Oxidase for Preparation of Non-Immunogenic
Polymer Conjugates**
Inventors: SHERMAN *et al.*
Our Ref: 2057.0080000/BJD/SAC

Certificate

AUG 26 2008

of Correction

Sir:

Transmitted herewith for appropriate action are the following documents:

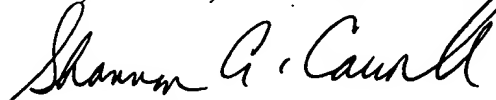
1. Credit Card Payment Form (PTO-2038) in the amount of \$130.00 to cover the fee for a Statutory Terminal Disclaimer for a large entity;
2. Executed Statutory Terminal Disclaimer Under 35 U.S.C. § 253 and 37 C.F.R. § 1.321(a); and
3. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Shannon A. Carroll, Ph.D.
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Registration No. 58,240

SAC/nef
Enclosure(s)

856706_1.DOC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:

Sherman *et al.*

U.S. Patent No. 6,783,965

Issued: August 31, 2004

For: **Aggregate-Free Urate Oxidase for
Preparation of Non-immunogenic
Polymer Conjugates**

Confirmation No.: 4303

Art Unit: 1652

Examiner: Pak, Yong D.

Atty. Docket: 2057.0080000/BJD/SAC

**Statutory Terminal Disclaimer Under 35 U.S.C. § 253 and
37 C.F.R. § 1.321(a)**

Commissioner for Patents
Washington, D.C. 20231

Sir:

During prosecution of U.S. Appl. No. 09/501,730 which resulted in the issuance of the above-captioned patent, a Terminal Disclaimer was filed by Mountain View Pharmaceuticals, Inc. on December 4, 2003. Subsequent to execution of the Terminal Disclaimer and issuance of the above-captioned patent, inventorship was amended pursuant to 37 C.F.R. § 1.324(a). As a result, the above-captioned patent is now co-owned by Mountain View Pharmaceuticals, Inc. and Duke University. In view of the corrected inventorship, co-owner Duke University encloses an executed Terminal Disclaimer that also is executed by co-owner Mountain View Pharmaceuticals, Inc. Thus, so that the record of the above-captioned patent is clear, the co-owners hereby provide a joint Terminal Disclaimer.

Mountain View Pharmaceuticals, Inc. and Duke University represent that they are the owners of the entire right, title, and interest of U.S. Application No. 09/501,730, filed on February 10, 2000, and U.S. Patent No. 6,783,965 that issued therefrom, by virtue of:

(a) an Assignment from Merry R. Sherman, Mark G.P. Saifer and L. David Williams to Mountain View Pharmaceuticals, Inc. executed on April 26, 2000, recorded on May 22, 2000, at Reel 010836, Frame 0572; and

(b) an Assignment from Michael S. Hershfield and Susan J. Kelly to Duke University executed on May 16, 2006 and May 17, 2006 respectively, recorded on May 24, 2006, at Reel 017663, Frame 0313.

Establishing Right of Assignee to Take Action Under 37 C.F.R. § 3.73(b)

A Statement Under 37 C.F.R. § 3.73(b) establishing the right of the assignee to take action, with regard to the above-identified application and patent was filed for Mountain View Pharmaceuticals, Inc. on May 24, 2006. Additionally, a Statement Under 37 C.F.R. § 3.73(b) establishing the right of the assignee to take action, with regard to the above-identified application and patent, was also filed in the above-captioned matter for Duke University on May 24, 2006.

Terminal Disclaimer

Mountain View Pharmaceuticals, Inc. and Duke University, hereby disclaim, except as provided below, the terminal part of the statutory term of the above-captioned patent which would extend beyond the expiration date of the full statutory term of prior patent No. 6,576,235 as the term of said prior patent is defined in 35 U.S.C. §§ 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer.

The co-owners hereby agree that the above-captioned patent shall be enforceable for and during such period that it and the prior patent are commonly owned. The co-owners further acknowledge that this disclaimer is to be binding upon the grantees, assignees, their successors or assigns.

mrs

In making the above disclaimer, the co-owners do not disclaim the terminal part of the term of the captioned patent that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the **prior patent**, “as the term of said **prior patent** is presently shortened by any terminal disclaimer,” in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The co-owners also do not disclaim any term of the above-captioned patent that is extended pursuant to 35 U.S.C. § 156.

MR-S

In accordance with 37 C.F.R. § 1.321(a), this disclaimer is accompanied by the fee set forth in 37 C.F.R. § 1.20(d). We have read and understand 37 C.F.R. § 10.18(b).

For: Mountain View Pharmaceuticals, Inc.


Signature: 

Type or Print Name: Merry R. Sherman

Title: CEO and President

Date: July 17, 2008

For: Duke University

Signature: 

Type or Print Name: Robert L. Taber, Ph.D.
Vice Chancellor,

Title: Corporate & Venture Development

Date: 7/21/07